

Message Text

LIMITED OFFICIAL USE

PAGE 01 MADRID 03583 01 OF 02 062001Z

70

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 SAM-01 OMB-01

NSCE-00 SSO-00 USIE-00 INRE-00 /055 W

----- 105898

O R 061728Z MAY 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 5625

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY BRUSSELS

AMEMBASSY LISBON

AMEMBASSY COPENHAGEN

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

USMISSION NATO

USEC BRUSSELS UNN

LIMITED OFFICIAL USE SECTION 1 OF 2 MADRID 3583

E.O. 11652: N/A

TAGS: PINT,SP

SUBJECT: PROPOSED FORM OF REFORMED PARLIAMENT

REF: MADRID 3288

SUMMARY: DETAILS OF THE GOVT'S DRAFT PARLIAMENTARY REFORM PACKAGE ARE CIRCULATING IN POLITICAL CIRCLES AND BEING PUBLISHED BY NEW AGENCIES. CONFLICTING ASPECTS OF THESE REPORTS TOGETHER WITH WHAT WE KNOW OF GOVT IN-FIGHTING SUGGEST THAT GOVT HAS NOT MADE UP ITS MIND ENTIRELY ON KEY ISSUES ABOUT BICAMERAL SYSTEM. COMPLEXITY OF SPANISH CONSTITUTION AND NEW COMPLEXITY OF PROPOSED CHANGES HAS SO FAR GENERATED MORE CONFUSION THAN LIGHT BUT GOVT LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MADRID 03583 01 OF 02 062001Z

MAY POSSIBLY CLARIFY DETAILS OF ITS PARLIAMENTARY REFORMS AFTER

COUNCIL OF MINISTERS MEETING MAY 7, END SUMMARY.

1. IN THE ABSENCE OF GOVT CLARIFICATION OF THE DRAFT LAWS MODIFYING THE ORGANIC LAW AND THE CONSTITUTIVE LAW OF THE CORTES DISCUSSED AT THE COUNCIL OF MINISTERS MEETING APRIL 30, VARIOUS PRESS AGENCIES HAVE RELEASED THEIR OWN DRAFT VERSIONS BASED ON SOURCES IN AND OUT OF GOVT. A DEFINITIVE TEXT OF THESE NEW BILLS IS APPARENTLY NOT READY BUT MAY BE ADOPTED AT THE COUNCIL OF MINISTERS MEETING SCHEDULED MAY 7. THE GOVT ITSELF, OR CERTAIN MEMBERS INTERESTED IN OBTAINING POPULAR SUPPORT FOR THEIR POSITION, HAVE LEAKED SOME DETAILS OF THE PROPOSED LEGISLATION TO GAUGE INITIAL PUBLIC REACTION. WITHIN THE GOVT, IT HAS LONG BEEN KNOWN THAT THERE HAVE BEEN DIFFERENT IDEAS ABOUT HOW BICAMERALISM SHOULD BE INTRODUCED. THE PUBLIC CONFUSION ABOUT THE DETAILS OF THE PROPOSED SYSTEM IS IN PART A REFLECTION OF THE DEBATE WITHIN GOVT CIRCLES.

2. ACCORDING TO THE MOST DETAILED VERSION CIRCULATED BY "EUROPE PRESS" (INDEPENDENT), THE LOWER HOUSE, THE CONGRESS OF DEPUTIES, WILL HAVE 300 "FAMILY" REPRESENTATIVES, ELECTED BY UNIVERSAL, DIRECT AND SECRET SUFFRAGE, THE 280-MEMBER SENATE, THE UPPER HOUSE, WILL HAVE 200 (THE ALL-IMPORTANT MANNER OF ELECTION IS UN-

DECIDED) SENATORS REPRESENTATIVE OF THE PROVINCIAL ASSEMBLIES, THE MUNICIPALITIES, THE SYNDICAL BODIES AND OTHER PUBLIC CORPORATIONS AND INSTITUTIONS. THERE WILL BE 40 PERMANENT SENATORS HOLDING OVER FROM THE PRESENT NATIONAL COUNCIL AND CORTES WHOSE VACANCIES WILL BE FILLED BY THE KING UPON PRESENTATION OF A LIST OF THREE CANDIDATES PROPOSED BY THE SENATE. THERE WILL BE 40 SENATORS NAMED BY THE KING FOR EACH TERM. THE TWO HOUSES WILL BE COEQUAL AND THE RELATIONS BETWEEN THEM SET OUT BY LAW. THE LOWER HOUSE TERM WILL BE FOUR YEARS, THE UPPER HOUSE SIX.

3. CONSISTENT WITH THE PREMIER'S WORDS ABOUT THE SENATE'S "OWN COMPETENCE", "EUROPA PRESS" REPORTS THAT IT WILL BE RESPONSIBLE FOR "THE UNITY AMONG THE MEN AND THE LANDS OF SPAIN, THE PROGRESS AND EXERCISE OF THE RIGHTS AND LIBERTIES SET OUT BY THE FUNDAMENTAL LAWS..." THERE WILL BE A SPECIAL SIX-MEMBER COMMITTEE IN THE SENATE CHARGED WITH OVERSIGHT OVER THESE SPECIAL DUTIES AND LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MADRID 03583 01 OF 02 062001Z

EMPOWERED TO TABLE A CHARGE OF "CONTRAFUERO" (NON-CONSTITUTIONALITY) AGAINST DRAFT LAWS.

4. CONFUSING AS IT MAY SEEM, THE DRAFT HAS THE CORTES ELECTING ITS OVERALL PRESIDNET FOR SIX YEARS WHO WILL THEN PRESIDE OVER THE SENATE WHILE THE PRESIDENT OF THE LOWER HOUSE WILL BE ELECTED FROM AMONG ITS MEMBERS BUT HAVE THE CONCURRENT RESPONSIBILITY OF PRESIDING OVER THE SENATE, IN THE ABSENCE

OF THE PRESIDNET OF THE CORTES.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 MADRID 03583 02 OF 02 061953Z

70

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 SAM-01 OMB-01

NSCE-00 SSO-00 USIE-00 INRE-00 /055 W
----- 105787

O R 061728Z MAY 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 5626

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY BRUSSELS

AMEMBASSY LISBON

AMEMBASSY COPENHAGEN

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

USMISSION NATO

USEC BRUSSELS UNN

LIMITED OFFICIAL USE SECTION 2 OF 2 MADRID 3583

5. THE COUNCIL OF THE REALM WILL RETAIN ITS POWERS OF ASSISTANCE TO THE KING. IT WILL HAVE 15 MEMBERS: 5 EX-OFFICIO, 5 SENATORS AND 5 DEPUTIES. ITS PRESIDENT WILL BE THE PRESIDENT OF THE CORTES.

6. TWO DAYS FOLLOWING THE RELEASE OF THE "EUROPE PRESS" VERSION "CIFRA" (NATIONAL MOVEMENT) REPORTED THAT, ACCORDING TO GOVT CIRCLES, A MAJORITY OF SENATORS WOULD BE DIRECTLY ELECTED BY UNIVERSAL SUFFRAGE. "LOGOS" (CATHOLIC NEWS AGENCY) REPORTS THAT THE SENATORS REPRESENTING CORPORATIVE BODIES, I.E., PROVINCIAL AND LOCAL GOVT, SYNDICATES, AND PROFESSIONAL ASSOCIATIONS, WILL BE

INDIRECTLY ELECTED. ACCORDING TO "LOGOS", THE DRAFT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MADRID 03583 02 OF 02 061953Z

LEGISLATION PROVIDES THAT THE GOVT WOULD HAVE SIX MONTHS
IN WHICH TO DEFINE THE COMPETENCE OF THE TWO LEGISLATIVE
BODIES.

7. COMMENT: THREE KEY ISSUES ARE INVOLVED IN THE
CONFIGURATION AND RESPONSIBILITIES OF A BICAMERAL CORTES:
(A) REPRESENTATIVITY, (B) COMPETENCE, AND (C) RESPONSIBILITY
OF GOVT TOWARD PARLIAMENTARY MAJORITY. THE AUTHENTICITY
OF REPRESENTATION WILL DEPEND ON THE METHOD OF SUFFRAGE TO
BE EMPLOYED. THERE IS GENERAL AGREEMENT THAT THE LOWER
HOUSE WILL BE ELECTED DIRECTLY BY UNIVERSAL SUFFRAGE. TO
PLACATE RIGHT-WING SENSIBILITIES ARIAS USED THE TERM "FAMILY
REPRESENTATIVES" IN REFERRING TO THE LOWER HOUSE AND OTHERWISE
SUGGESTED THAT THE UPPER HOUSE WOULD PRESERVE A
CORPORATIVE STRUCTURE. HIS CONCESSIONS TO THE RIGHT RUN THE RISK
OF MAKING THE COMPOSITION OF THE REFORMED CORTES LOOK LIKE THE
PRESENT CORTES WITH THE PRESENT "FAMILY SECTOR", WHICH EVEN
NOW IS ELECTED DIRECTLY BY UNIVERSAL SUFFRAGE, SIMPLY REMOVED
AND MADE OVER INTO A LOWER HOUSE ALTHOUGH ALMOST TRIPLE
IN NUMBERS. MUCH WOULD DEPEND, OF COURSE, ON THE POWERS
OF THE LOWER HOUSE RELATIVE TO THE UPPER HOUSE, AND THE
DEGREE TO WHICH THERE ARE DEMOCRATIC ELECTIONS WITHIN THE
CORPORATE INSTITUTIONS REPRESENTED IN THE SENATE.

8. COMMENTATORS HAVE NOTED THAT UNLESS THERE IS A CLEAR
DEFINITION OF THE COMPETENCIES OF THE TWO HOUSES WHICH RULES
OUT UNDUE OBSTRUCTION OF LEGISLATIVE WORK BY EITHER HOUSE
THERE WILL BE GREAT CONFUSION IN THE CORTES AND SERIOUS
OBSTACLES TO SMOOTH GOVT. ARIAS REFERRED TO THE SENATE'S
"OWN COMPETENCE" WHICH, ACCORDING TO THE "EUROPE PRESS"
VERSION, APPEARS CONSITIONAL IN CHARACTER
SUGGESTING THAT THE LOWER HOUSE WOULD NOT HAVE AN EQUAL
CONSTITUTIONAL FUNCTION. WHAT SPECIAL FUNCTIONS THE LOWER
HOUSE MIGHT HAVE, INCLUDING POSSIBLY INITIATING MONEY BILLS,
IS NOT KNOWN.

9. ALTHOUGH ARIAS AND OTHERS HAVE NOTED THAT THE MEMBERSHIP
OF THE COUNCIL OF THE REALM WILL BE CHANGED, ITS FUNCTIONS
APPARENTLY REMAIN THE SAME IN VERSIONS THAT ARE CIRCULATING,
THAT IS PRIMARILY TO PRESENT THREE NAMES TO THE KING FOR KEY
GOVT APPOINTMENTS INCLUDING THE PREMIER. THERE IS NO
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MADRID 03583 02 OF 02 061953Z

DISCUSSION, ABOUT THE POLITICAL RESPONSIBILITY OF THE GOVT WITH RESPECT TO A PARLIAMENTARY MAJORITY BASED ON POLITICAL ALIGNMENTS, OR ABOUT THE POSSIBILITY OF DIRECT ELECTION OF A CHIEF EXECUTIVE (ALTHOUGH FRAGA IS KNOWN TO THINK IN THESE TERMS FOR THE FUTURE). THIS WILL HARDLY SATISFY THE OPPOSITION OR, FOR THAT MATTER, EMBRYO POLITICAL PARTIES WHICH ASPIRE TO BROADER LEGAL MEANS TO POLITICAL POWER. (THE MAY 5 "YA" DOES SUGGEST IT WOULD BE UNLIKELY A PRIME MINISTER DECREE THE POPULARLY ELECTED POLITICAL FORCES, BUT THE VALIDITY OF THIS COMMENT WOULD DEPEND, IN THE FIRST INSTANCE, ON ELECTORAL RESULTS THAT MARKED A CLEAR POLITICAL ORIENTATION TO THE NEW CORTES.) AT ALL EVENTS, THERE IS STILL A CONSIDERABLE AMOUNT OF SHAKING DOWN AHEAD BEFORE WE CAN BE REASONABLY SURE OF HOW THIS EMERGING SYSTEM WILL OPERATE.

STABLER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, NEWS LEAKS, CENTRAL LEGISLATURE, REORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MADRID03583
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760175-0448
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760585/aaaacufq.tel
Line Count: 238
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 MADRID 3288
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 31 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 MAR 2004 by CollinP0>; APPROVED <27 JUL 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROPOSED FORM OF REFORMED PARLIAMENT
TAGS: PINT, PGOV, SP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006